



Docket No.: 239339US2



COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/600,344

Applicants: Yasuyoshi ITOH, et al.
Filing Date: June 23, 2003
For: SEMICONDUCTOR DEVICE
Group Art Unit: 2826
Examiner: Tan N. TRAN

SIR:

Attached hereto for filing are the following papers:

Provisional Election

Our check in the amount of **\$0.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

YASUYOSHI ITOH, ET AL.

: EXAMINER: TAN N. TRAN

SERIAL NO: 10/600,344

FILED: JUNE 23, 2003

: GROUP ART UNIT: 2826

FOR: SEMICONDUCTOR DEVICE

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction/Election Requirement dated March 4, 2004, Applicants provisionally elect, without traverse, Claims 1-3, 6, and 7 (Species C, directed to Figures 28 and 29) for examination on the merits in the present Application. Applicants make this election based on the understanding that Applicants are not prejudiced against filing one or more divisional applications that cover the non-elected claims.

In addition, Applicants respectfully traverse the outstanding Restriction Requirement, since it has not been established that an undue burden would be required if the Restriction Requirement was not issued and if all the claims were examined together. More particularly, MPEP §803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

In the present application, no undue burden has been established if all of the claims were examined together. In contrast, the present restriction requirement subjects the Applicants to the added financial burden of prosecuting the claims in eleven separate proceedings.

Accordingly, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-19 be conducted.

Respectfully submitted,

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